

REMARKS

Claims 5-13 are all of the claims pending in the application.

I. Preliminary Matter

Applicant respectfully notes that the Examiner believes that the references applied in the present rejection of claims 5-13 are better than the references applied in the previous rejection of claims 5-13, which was withdrawn in the Office Action mailed on January 27, 2009. Applicant respectfully submits that, because the new references fail to disclose the features of claims 5-13, as discussed below, the previously applied references are even less pertinent to the claims.

II. Claim Rejections under 35 U.S.C. § 102(e)

The Examiner maintained the rejection of claims 5-13 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,850,808 to Yuen et al. (hereinafter "Yuen"). Applicant respectfully traverses this rejection and respectfully requests that the Examiner reconsider the rejection at least in view of the following comments.

Turning to claim 5, the Examiner alleges that Yuen discloses "an instruction table for storing instructions and corresponding input/output types of parameters for the instructions," as recited, *inter alia*, in claim 5. Applicant respectfully disagrees.

In the Response filed on April 27, 2009, Applicant respectfully submitted that the Examiner appears to interpret the claimed instruction table inconsistently, pointing to both the I/O table which according to Yuen stores values of the control variables received from or transmitted to the I/O circuits (*see* col. 5, lines 7-10 of Yuen) as well as the pane 213 shown in FIG. 5 of Yuen (*see* page 3 of the Office Action). Applicant respectfully submitted that neither

the I/O table nor the pane 213 are the same as the claimed instruction table storing instructions and corresponding input/output types of parameters for the instructions.

In response to this argument for patentability, the Examiner alleges that Yuen shows a “template conveyor (Library Test Lib)” 213 in FIG. 5, and a person of ordinary skill in the art would know that such a library would contain instructions and parameters for library routines. The Examiner further alleges that the claimed “input/output types of parameters for the instructions” are known or interpreted as “call by reference,” “call by value” types of variables. Thus, the Examiner concludes that the cited Template Conveyor (Library Test Lib) has library routines, and each library routine has input/output types of parameters. *See* page 7 of the Office Action.

Applicant respectfully disagrees with the Examiner’s contentions concerning the claimed instruction table and FIG. 5 of Yuen. The Examiner appears to allege that Yuen discloses instructions and parameters for the instructions in pane 213 in FIG. 5, and because the parameters for the instructions are typed, Yuen allegedly discloses the claimed table storing corresponding input/output types of parameters for instructions. In response, Applicant respectfully submits that storing a parameter which is typed is not the same as the claimed storing corresponding input/output types of parameters. In the former case, the data item which is stored is a parameter. In the latter case, the data item which is stored is an input/output type. Applicant respectfully notes that FIG. 4 of the instant application shows examples of input/output types 32 of parameters for instructions, which include “input,” “output,” and “internal” (*see* element 32 of FIG. 4 and page 13, lines 10-14 of the specification). Thus, Applicant respectfully submits that storing instructions and parameters is not the same as the

claimed storing instructions and corresponding input/output types of parameters for the instructions.

In the Response filed on April 27, 2009, Applicant also respectfully submitted that Yuen does not disclose “a search/determination means for searching the instruction table for an instruction in a code in a portion of a sequence program selected as diversion data from an existing diversion-source sequence program, to determine a corresponding input/output type of a parameter for the instruction,” as recited, *inter alia*, in claim 5. Applicant respectfully submitted that the Examiner does not point to any relationships between the various elements of FIG. 3 corresponding to the claimed searching. Moreover, FIG. 3 of Yuen does not describe any capability for searching an instruction table.

In response to this argument for patentability, the Examiner alleges that a skilled artisan would understand that FIG. 3 of Yuen describes the functions and relationships of the searching, determining, or identifying of templates from the library within the repository via the application interface 95 (*see* pages 7-8 of the Office Action).

Applicant respectfully disagrees with the Examiner’s contentions regarding the claimed searching and determining and FIG. 3 of Yuen. According to Yuen, FIG. 3 is a schematic diagram showing software programs and entities employed by the system provided by Yuen (*see* col. 4, lines 19-20 of Yuen). The system provided by Yuen does not perform the claimed searching the instruction table for an instruction in a code in a portion of a sequence program selected as diversion data from an existing diversion-source sequence program, to determine a corresponding input/output type of a parameter for the instruction and thus FIG. 3 of Yuen cannot show these features.

For example, according to Yuen, a system is provided that extracts relevant control variable names from templates, and corresponding variable names from related templates are displayed to the program designer in a tabular format. The system according to Yuen allows the program designer to create substitute “interface” variable names or tags that would globally replace related control variable names throughout all of the related templates. According to Yuen, by substituting such interface tags throughout the templates, “compound” templates may be generated using the modular, lower-level templates. *See* col. 3, lines 16-30 of Yuen.

Thus, Applicant respectfully submits that Yuen does not determine corresponding input/output types of parameters for instructions. Instead, the system according to Yuen merely extracts variable names from templates, presents corresponding variable names from related templates, and permits the program designer to globally replace related variable names. The process of extracting variable names and replacing variable names is unrelated to the claimed determining of corresponding input/output types of parameters for instructions.

In the Response filed on April 27, 2009, Applicant further respectfully submitted that Yuen does not disclose “a search result creating/storing means for creating and storing a search result table by combining an address in the code in the selected portion of the sequence program, with the determined corresponding input/output type,” as recited, *inter alia*, in claim 5. Applicant respectfully submitted that a person of ordinary skill in the art would understand that a dynamic link library (DLL) is not the same as an address in the code. Furthermore, Yuen does not disclose combining a dynamic link library (alleged address in the code) with a determined corresponding input/output type.

In response to this argument for patentability, the Examiner alleges that a DLL is the

same as the claimed combining an address, because a DLL is dynamically combined at the time of linking (*see* page 8 of the Office Action).

Applicant respectfully submits that, even if, *arguendo*, the use of DLLs disclosed by Yuen is the same as combining an address, Yuen still fails to disclose combining an address with a determined corresponding input/output type for the purpose of creating and storing a search result table. First, the DLLs according to Yuen are not combined with corresponding input/output types. Second, the linking according to Yuen is performed during the instantiation process (*see* col. 7, lines 1-6 of Yuen), which creates objects from templates (*see* col. 1, lines 55-58 of Yuen), rather than creating and storing any search result table. Yuen does not disclose storing any table that corresponds addresses in the code with corresponding input/output types. Thus, Yuen does not disclose the claimed search result creating/storing means for creating and storing a search result table by combining an address in the code in the selected portion of the sequence program, with the determined corresponding input/output type.

At least for these reasons, Applicant respectfully submits that claim 5 is patentable over Yuen.

Applicant respectfully submits that independent claims 7 and 13 recite features similar to, although not necessarily coextensive with, the features discussed above with respect to claim 5. Accordingly, Applicant respectfully submits that claims 7 and 13 are patentable over Yuen at least for the reasons discussed above with respect to claim 5. Applicant respectfully submits that dependent claims 6, 9, and 11, and claims 8, 10, and 12 are patentable over Yuen at least by virtue of their dependency on claims 5 and 7, respectively.

III. Statement of Substance of Interview

Applicant thanks the Examiner for a courteous telephonic interview on July 29, 2009.

The PTO-413 requires Applicant to file a Statement of Substance of Interview. The Statement of Substance of Interview is as follows:

The telephonic interview was conducted on July 29, 2009, with the following in attendance:

Cheng Yuan Tseng (Examiner)

Eric S. Barr (Reg. No. 60,150)

Applicant discussed the 35 U.S.C. § 102(e) rejection of claim 5 with the Examiner.

Applicant discussed differences between claim 5 and the teachings of Yuen.

The Examiner agreed to reconsider Applicant's arguments for patentability and possibly withdraw the rejection.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§ 1.2 and 1.133 and MPEP § 713.04.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. **If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.**

RESPONSE UNDER 37 C.F.R. § 1.116 AND
STATEMENT OF SUBSTANCE OF INTERVIEW
Application No.: 10/562,012

Attorney Docket No.: Q91175

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Eric S. Barr/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Eric S. Barr
Registration No. 60,150

Date: August 5, 2009